

Effective Date:
01/01/07

CHAPTER 12

INTERSTATE COMPACT

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.01 AUTHORITY

Wisconsin Statutes §304.16
Wisconsin Administrative Code - DOC 328.09
Rules of the Interstate Commission for Adult Offender
Supervision

.02 ADMINISTRATIVE STRUCTURE

DCC CENTRAL OFFICE, MADISON

- Compact Administrator
- Deputy Compact Administrator

DCC REGIONAL STRUCTURE
Community Corrections Supervisors and Agents from each region are designated Compact Specialists by the Regional Chief. Compact Specialists act on behalf of the Compact Administrator in all decisions to accept, reject, or terminate supervision under the Compact. Compact Specialists shall be trained by the Central Office Compact Staff prior to processing Interstate Compact matters.

.03 INTERSTATE COMPACTS

INTERSTATE COMPACT FOR SUPERVISION OF PAROLEES AND PROBATIONERS
Enacted in 1937, this Compact regulating interstate transfers of offenders was adopted by all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. This Compact has been replaced in every jurisdiction by the Interstate Compact for Adult Offender Supervision.

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION (ICAOS)
Effective June 19, 2002, this Compact authorized creation of a national commission and staff to:

- regulate the interstate movement of offenders,
- promote effective tracking, supervision, and rehabilitation of offenders, and
- equitably distribute costs, benefits, and obligations among states.

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.03 INTERSTATE COMPACTS (continued)

The Compact requires each member state to create a state board providing oversight and advocacy of operations under the Compact.

.04 DEFINITIONS

RECEIVING STATE. The state which is requested to assume supervision of an offender.

RELOCATE. To remain in another state for more than 45 consecutive days.

RESIDENT. For the purpose of transfer of supervision under the terms of the Compact, an offender may be considered a resident of a state if the offender has continuously inhabited a state for more than one year prior to the commission of the offense for which the person is under supervision, and who has not, unless incarcerated, relocated to another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

RESIDENT FAMILY. A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who has resided in the receiving state for 180 days or longer. The family must indicate a willingness and ability to assist the offender as specified in the plan of supervision.

SENDING STATE. The state requesting transfer of supervision.

SEX OFFENDER. For interstate compact purposes, a "sex offender" is a person under supervision who is required to register as a sex offender in the sending or receiving state.

SIGNIFICANT VIOLATION. A violation which would result in revocation if it were committed by an offender sentenced in the receiving state.

SUBSTANTIAL COMPLIANCE. An offender is in "substantial compliance" if there is no revocation action pending or in progress in the sending state.

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.05 ICAOS STANDARDS AND RULES

CORRESPONDENCE BETWEEN STATES. All formal interstate correspondence between states must go through the Compact Specialist or the DCC Interstate Compact Central Office.

ELIGIBILITY FOR SUPERVISION. Eligibility to transfer supervision under the ICAOS is subject to the following criteria:

1. Offender is an adult, or a juvenile treated as an adult by the court, and is
2. Subject to supervision, i.e., required to report or be monitored by supervising authorities, as the result of the commission of a criminal act, and who
3. Has been sentenced or received a deferred sentence for
 - a. A felony offense, or
 - b. A misdemeanor which meets ALL the following criteria:
 - Offender has been placed on supervision for one year or more; and
 - Offense involves:
 - Direct or threatened physical or psychological harm to a victim, or
 - A second or subsequent OWI, or
 - Use or possession of a firearm, or
 - A sexual offense requiring registration as a sex offender in the sending state; and
4. Has at least three months of supervision remaining; and
5. Has a valid plan of supervision in the receiving state.

A sending state may request transfer of a case which does not meet the criteria for eligibility if the sending state believes supervision in the receiving state is necessary. The receiving state, for good cause, may consent to the transfer of supervision of an offender who does not otherwise qualify for transfer of supervision.

A receiving state SHALL accept transfer of supervision of an eligible offender who is in substantial compliance with the terms of supervision and the offender is either:

- A "resident" of the receiving state; OR
- Has "resident family" in the receiving state who indicate willingness and ability to provide assistance as specified in the supervision plan, and the offender can obtain employment or has a means of support in the receiving state.

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.05 ICAOS STANDARDS AND RULES (continued)

ELIGIBILITY - SPECIAL CIRCUMSTANCES. Offenders who are in substantial compliance with the terms of supervision are not required to meet the "resident" or "resident family" requirement in any of the following circumstances:

- Offender is a member of the military and has been deployed by the military to another state;
- Offender resides with a family member who is deployed by the military to another state, provided that the offender will reside with the military member in the receiving state; or
- Offender resides with a family member who is transferred to another state for the purposes of full-time employment, provided that the offender will reside with the family member, unless the receiving state can show good cause for rejecting the transfer.

SPECIAL CONDITIONS. If a special condition is placed on an offender by the sending state and will not, or cannot, be enforced, the receiving state shall notify the sending state at the time the transfer request is received. Any receiving state which places a special condition upon an offender shall notify the sending state as soon as possible.

OPPORTUNITY TO INVESTIGATE. The receiving state shall be given the opportunity to investigate the prospective plan of the individual prior to movement to the receiving state. Refer to 12.02.01. Receiving states have up to 45 days to investigate the transfer plan. An offender may not be allowed to travel to the receiving state, without reporting instructions, until the receiving state has replied to the transfer request.

ACCEPTANCE TIME LIMIT. An acceptance by a receiving state shall be valid for 120 days. If the sending state has not sent an ICAOS Notice of Departure in that timeframe, the receiving state may withdraw its acceptance and close interest in the case.

ROLE OF THE COMPACT ADMINISTRATOR OFFICE. Acceptance, rejection, or termination of interest in a Compact case shall not occur except through the office of the Compact Administrator or designee.

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.05 ICAOS STANDARDS AND RULES (continued)

TRANSFER TO A THIRD-PARTY STATE. Transfer of the supervision to a third-party state is the responsibility of the original sending state. The state supervising the offender shall notify the sending state prior to any transfer to a third-party state. The state supervising the offender shall not close interest prior to acceptance of the transfer by the third-party state. The sending state shall notify the supervising state of acceptance of transfer by the third-party state.

RETURN OF SUPERVISION TO THE SENDING STATE. Upon an offender's request to return to the sending state, the receiving state shall request reporting instructions from the sending state. The sending state shall provide reporting instructions within two business days. The offender shall remain in the receiving state until receipt of reporting instructions.

OBLIGATION TO PROVIDE FOR RETURN. A sending state shall provide for the return of violators supervised under the Compact, including expenses associated with such return, in a reasonable and expeditious manner.

RECIPROCAL DUTIES BETWEEN STATES. Supervision of Interstate Compact offenders will be governed by the same standards which prevail within the state for its own offenders.

INTENSITY AND DURATION OF SUPERVISION. The duration of the period of supervision shall be determined by the sending state. The level (degree of supervision) shall be determined by the receiving state.

DEPARTURE AND ARRIVAL REPORTING. Departure and Arrival reports shall be sent immediately to the receiving or sending state. The date of departure/arrival, offender's address, and offender's telephone number must be noted.

PROGRESS REPORTS. Progress reports shall be provided annually, or for good cause, upon request by the sending state. The progress report will consist of the offender's current residence and employment information, along with a summary of the offender's progress, performance and attitude, and any recommendations or requests from the supervising agent.

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.05 ICAOS STANDARDS AND RULES (continued)

COLLECTION OF SUPERVISION FEES. No sending state shall impose supervision fees on an offender being supervised by another state under the Compact. Wisconsin offenders shall continue to pay supervision fees until arrival and acceptance by the receiving state. Upon notification of acceptance and arrival in another state, the Wisconsin agent will submit a Supervision Fee Action Report ([DOC-1682](#)) to the Supervision Fee Designee to stop the Supervision Fee charges. Interstate Compact transfer-in offenders are subject to Wisconsin supervision fees based on the date of the offender's arrival and acceptance in Wisconsin.

COLLECTION OF MONEY BY THE SENDING STATE. Collection of financial obligations remains the responsibility of the sending state. The receiving state may encourage the offender to pay the obligations but is not directly involved in the collection. The sending state may communicate directly with the offender regarding matters of financial obligations. If the sending state notifies the receiving state that an offender is not complying with financial conditions, the receiving state shall notify the offender that the offender is in violation of the conditions of supervision and must comply.

TRAVEL PERMITS (TO A RECEIVING STATE).

Temporary. An offender who is not a "sex offender" under the compact, and who is living in another state at the time he or she is placed on probation, may be given a temporary travel permit for up to seven days to allow time for the receiving state to issue reporting instructions. (See 12.02.01)

Provisional. Provisional travel permits may be issued by a sending state to allow an offender to proceed to a receiving state prior to completion of an investigation and formal acceptance of the case in emergency situations. NO PROVISIONAL TRAVEL PERMIT MAY BE ISSUED WITHOUT REPORTING INSTRUCTIONS FROM THE RECEIVING STATE.

CLOSING INTEREST IN COMPACT CASES. Interest in a Compact case shall be closed under the following conditions:

- Upon the date of discharge, unless the sending state has informed the receiving state in writing of an earlier or later date to close interest;

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.05 ICAOS STANDARDS AND RULES (continued)

- Upon notification of absconder status. In the event of an offender absconding from supervision, the receiving state will alert the sending state via a violation report and close interest. If the offender is located in the receiving state, that state shall assist the sending state in retaking the offender and holding a preliminary hearing if requested. Such closure shall not jeopardize the sending state's right to retake that individual without extradition;
- In the event an out-of-state offender is incarcerated for 180 days or longer;
- In the event of the death of an offender; or
- The offender has returned to the sending state.

RETAKING. Offenders transferred under the Compact have waived their rights to extradition proceedings. In most instances, the decision to "retake" an offender is within the sole discretion of the sending state. However, upon request from a receiving state, a sending state shall retake, or order the return of an offender, if the offender has been convicted of a new felony offense, or has committed three or more significant violations.

VICTIM NOTIFICATION. If an offender's case has been designated "Victim Sensitive" according to the laws of the sending state, a receiving state is required to notify the sending state when the offender:

- Commits a significant violation;
- Changes address;
- Returns to the sending state where the victim resides;
- Departs the receiving state under an approved plan of supervision in a third state; or
- Is issued a travel permit.

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.01 POLICY

The purpose of the Interstate Compact for Adult Offender Supervision is to control the interstate movement of offenders.

Permitting offenders to proceed to a receiving state without formal acceptance is not allowed except in limited situations, and then only with the permission of, and reporting instructions from, the receiving state. (See Section 12.02.04 for exceptions.)

All financial obligations should be paid or a payment plan established before the offender leaves the State of Wisconsin. The state accepting supervision will not be responsible for the collection of financial obligations. Refusal by the offender to comply with the established payment plan is grounds for revocation or return to Wisconsin for judicial review.

All formal communications about an offender must be sent to the Regional Compact Specialist on appropriate ICAOS forms. The Regional Compact Specialist will forward the correspondence to Compact authorities in the receiving state. If the agent communicates directly with an offender regarding matters of financial obligations, a copy should be sent to Compact authorities in the receiving state, through the Regional Compact Specialist.

Extension orders must be sent to the receiving state prior to discharge or that state will close its interest and cease supervision upon the scheduled discharge date.

REQUIRED DOC FORMS:

DOC-50 Travel Permit

DOC-10 Rules of Community Supervision

DOC-24 Transfer Summary (Manual Format 16.09.02)

DOC-101 Extension Order for probation cases that have been extended by court.

REQUIRED ICAOS FORMS:

Transfer Request

Offender's Application for Interstate Compact Transfer

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.02 TRANSFER REQUEST PACKET

ADDITIONAL PACKET REQUIREMENTS:

Judgment of Conviction
Criminal Complaint or other description of
offense
Current CIB or summary of offender's criminal
history
Photograph
Information about court obligations, including
address where payments are to be sent
Pre-sentence Investigation (if available)
Medical or psychological information (if
available)
Information about whether offender is subject
to sex offender registry requirements
(DOC-1759, if applicable)
Current Institution Face Sheet (INMATES)
Verification of DNA collection. MUST BE PROVIDED FOR ALL
FELONS SENTENCED AFTER JANUARY 01, 2000.

ADDITIONAL PACKET REQUIREMENTS FOR SEX OFFENDERS (IF
AVAILABLE):

Sex offender assessment
Social History
Information about the offender's criminal sexual behavior
Law enforcement report describing the sex offense
Victim information (name, sex, age, relationship to the
offender)
Victim's statement or statement of victim's representative
Current or recommended treatment and supervision plan
IF ANY REQUIRED INFORMATION IS NOT AVAILABLE, AGENT MUST
DOCUMENT REASON AND ANY STEPS TAKEN TO OBTAIN THE MISSING
INFORMATION.

.03 ADDITIONAL ICAOS FORMS

Compact Action Request
Notice of Arrival
Notice of Departure
Reply to Transfer Request
Request for Reporting Instructions
Offender Violation Report
Response to Violation Report
Progress Report
Case Closure Notice

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.04 PROCEDURE FOR OFFENDERS/INMATES REQUESTING TO TRANSFER TO ANOTHER STATE

An offender on supervision may request transfer to another state. The agent should assess the offender's request, evaluating whether or not the proposed plan in the other state meets the criteria of the Compact. If the agent agrees that transfer to another state is appropriate, the agent will compile a complete transfer packet and forward one copy to the Compact Specialist.

Effective January 1, 2008, "sex offenders" as defined in the Compact rules are subject to additional restrictions and information requirements. In order to identify offenders subject to these requirements, the agent or social worker must determine if an offender is required to register as a sex offender in Wisconsin or the receiving state. In some states, offenders may be required to register for sexual offenses which do not require registration in Wisconsin. The agent or social worker should contact the receiving state's registration authority to determine the offender's status in that state if:

- The offender is on supervision for a misdemeanor sexual offense;
- The offender has previously been convicted of a misdemeanor sexual offense in Wisconsin;
- The offender has been convicted of any sexual offense in any other state; and
- The offender denies being registered as a sex offender in the receiving state.

If the offender is an inmate requesting transfer to another state upon release, social workers should verify the proposed transfer plan and discuss with the assigned agent.

If the agent and social worker agree the plan is appropriate and consistent with the criteria for transfer under the Compact, the social worker will send a complete transfer packet to the Compact Specialist for the assigned agent of record. Requests may not be sent more than 120 days before scheduled release. However, whenever possible, requests should be sent at least 90 days in advance to allow the receiving state to complete the investigation prior to release. The inmate may not proceed to the receiving state without formal acceptance or reporting instructions.

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.04 PROCEDURE FOR OFFENDERS/INMATES REQUESTING TO TRANSFER TO ANOTHER STATE
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The Compact Specialist will review the transfer request and, if approved, forward the transfer request to the receiving state for investigation.

If the receiving state does not reply within 45 calendar days, the Compact Specialist may make inquiry to the Compact Administrator's Office of the receiving state via ICAOS Compact Action Request by fax or e-mail with a copy to the Wisconsin Deputy Compact Administrator. This inquiry process should be repeated every 30 calendar days until the case is accepted or rejected.

Issues of policy, compliance with Interstate Compact rules, or problem resolution are to be referred to the Compact Specialist. If the Compact Specialist is unable to resolve an issue, the Compact Specialist will forward the matter to the Wisconsin Compact Administrator for resolution.

ACCEPTANCE: Once notification of formal acceptance by the receiving state is received, the offender may be allowed to proceed to the receiving state. The offender is issued a Travel Permit (DOC-50). Reporting instructions in the receiving state should be included on the DOC-50. The agent will submit the ICAOS Notice of Departure to the Compact Specialist, who will forward to the receiving state.

For an inmate proceeding directly to the receiving state at release, the agent will send the Offender Release Authorization (DOC-15), the DOC-50, and Rules of Community Supervision (DOC-10), including any special rules, to the institution social worker. The social worker will review the rules and reporting instructions with the inmate and obtain the inmate's signature where required. The social worker will send an ICAOS Notice of Departure and a signed copy of the DOC-10 and DOC-50 to the Compact Specialist upon the inmate's release. The Compact Specialist will forward the ICAOS Notice of Departure, DOC-10, and DOC-50 to the receiving state and the assigned agent.

REJECTION: If the receiving state rejects supervision, the Compact Specialist will advise the Wisconsin agent, who must develop a supervision plan in Wisconsin.

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.04 PROCEDURE FOR OFFENDERS/INMATES REQUESTING TO TRANSFER TO ANOTHER STATE
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TRAVEL PRIOR TO FORMAL ACCEPTANCE: Travel prior to acceptance is only allowed when:

- The offender (other than a "sex offender" under the compact) is living in the receiving state at the time of being placed on probation. An eligible offender who has been incarcerated for 6 months or less as a condition of probation may be allowed to travel under this exception. Requests for reporting instructions under this exception must be made within seven days of sentencing or release from incarceration to probation supervision. Upon verification of the offender's residence, the agent may issue a temporary travel permit for up to seven days.

The agent must immediately forward a completed ICAOS Request for Reporting Instructions, with an ICAOS Notice of Departure and the ICAOS Offender's Application for Interstate Compact Transfer to the Regional Compact Specialist. The Regional Compact Specialist forwards the request and required documents to the Compact Administrator in the receiving state.

The receiving state must issue reporting instructions within two business days of a request. The agent must maintain communication with the offender to assure that reporting instructions are promptly relayed to the offender. A complete transfer packet must be submitted to the receiving state within 15 calendar days following issuance of reporting instructions.

- If the probationer residing in the receiving state at the time of sentencing is a "sex offender" under the compact, the sex offender must remain in Wisconsin until reporting instructions are issued. The receiving state may take up to five business days to reply. The receiving state may deny the reporting instructions if it determines that the residence is not acceptable due to law or policy. In that case, the sex offender must remain in Wisconsin.

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.04 PROCEDURE FOR OFFENDERS/INMATES REQUESTING TO TRANSFER TO ANOTHER STATE
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- Wisconsin requests expedited reporting instructions due to compelling circumstances which require the offender's immediate presence in the receiving state. The receiving state must reply within two business days. If the receiving state grants the expedited reporting instructions, the agent will immediately issue the Travel Permit and forward the Notice of Departure. A complete transfer packet must be submitted to the receiving state within 7 calendar days following issuance of reporting instructions. NO TRAVEL PERMIT MAY BE ISSUED PRIOR TO RECEIVING REPORTING INSTRUCTIONS.

If the offender has been given permission to proceed to the receiving state prior to acceptance, the offender's ledger classification should accurately reflect the level of supervision provided by the Wisconsin agent. Upon acceptance, the ledger classification shall be changed to OS.

If the offender is required by s.301.48, WI Stats., to be monitored by a GPS tracking device, the tracking device may be removed when the offender leaves Wisconsin. Should the offender return to Wisconsin, the GPS tracking must be reinstated.

The offender is responsible for paying supervision fees until formally accepted by the receiving state.

Upon notification that the receiving state has rejected the transfer request, the agent shall direct the offender to return to Wisconsin immediately. If the offender does not return as directed, the agent shall issue an Apprehension Request (DOC-58). The agent shall check "Extradite" and include "Interstate Compact case; Extradition waived; Will retake" in the "Comments" section.

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.01 UNPAID COURT ORDERED OBLIGATIONS

Whenever feasible, all court obligations should be paid in full, prior to transfer. If obligations are not paid in full, the offender shall not be allowed to transfer out of state unless a realistic payment plan is established between the Wisconsin agent and the offender. The agent should include on the Rules of Community Supervision ([DOC-10](#)) any payment plan and the address to which payments are to be sent.

If the offender is being supervised out of state and financial obligations have not been paid 90 days prior to discharge, the Wisconsin agent is responsible for requesting the Court extension or to request the Court enter a Civil Judgment. The agent will submit the Petition and Stipulation to Waive Appearance and Hearing ([DOC-101](#)) to the Compact Specialist, who will forward to the Compact Administrator of the receiving state, requesting assistance to obtain the offender's signature, and return witnessed copies by a specified date.

If the court extends the probation case(s), the Wisconsin agent will advise Central Records Unit and the receiving state of the extension by forwarding signed copies of the [DOC-101](#). An ICAOS Compact Action Request indicating the new discharge date is prepared by the agent and sent with the signed [DOC-101](#) to the Compact Specialist who will forward it to the Compact Administrator of the receiving state, requesting continued supervision until the new discharge date. Once these obligations are paid in full, the Wisconsin agent must advise the Regional Compact Specialist of this and notify the receiving state to close interest via the ICAOS Compact Action Request. Failure by the offender to cooperate with the extension of supervision will be considered a serious violation.

.02 VOLUNTARY RETURN TO WISCONSIN

A receiving state may not permit a Wisconsin offender who is being supervised in the receiving state to return to Wisconsin, with the intent to remain in Wisconsin, without first obtaining reporting instructions. The receiving state must notify the Wisconsin Compact Administrator's office and request reporting instructions. The Compact Administrator will direct the offender to report to the agent of record.

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.02 VOLUNTARY RETURN TO WISCONSIN (continued)

- The Wisconsin agent shall resume supervision upon the offender's return. A DOC-506 and Case Plan (DOC-1260) (with copies to the Ledgerkeeper) or transfer under section 11.02 of the Operations Manual shall be completed. The Wisconsin agent will submit a Notice of Arrival to the Compact Specialist immediately upon the offender's return to Wisconsin. The Compact Specialist will forward the Notice of Arrival to the receiving state with a copy to the DCC Compact Office.

.03 RETAKING AN INVOLUNTARY OFFENDER FROM ANOTHER STATE

SENDING STATE REQUEST: The Wisconsin agent, for cause, may order an offender to return. The agent shall specify a date by which the offender must report to the agent.

RECEIVING STATE REQUEST: When a receiving state requests return under the Compact, due to the offender being convicted of a new felony offense or having three or more significant violations, the request must be honored.

When the Wisconsin agent and supervisor decide to order an offender to return to Wisconsin, the Compact Specialist will notify the receiving state's Compact Office and request that reporting instructions be delivered to the offender. The receiving state shall issue a Notice of Departure when the offender leaves that state.

When the offender has returned to Wisconsin, the agent will:

- Send a Notice of Arrival to the Compact Specialist, who will forward to the receiving state;
- Update the Case Plan (DOC-1260), Supervision Fee Action Report (DOC-1682), and DOC-506 (route to Ledgerkeeper) if the offender is to be supervised in the field; or
- Notify the Ledgerkeeper of the offender's institution status if incarcerated.

If the offender fails to return by the specified date, the agent will issue an Apprehension Request (DOC-58). The agent shall check "Extradite" and include "Interstate Compact case; Extradition waived; Will retake" in the "Comments" section.

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.04 VIOLATION AND REVOCATION

An offender under supervision in another state may be retaken or ordered to return to Wisconsin if the offender has violated the rules of supervision. The receiving state will notify Wisconsin of any significant violation within 30 days of discovery of the violation. The Wisconsin agent must discuss the violation with the supervisor and decide what action will be taken within ten days of receiving the violation report. The agent will prepare a Response to Violation Report. If the decision is to retake the offender, with the intent to initiate revocation, the Response to Violation Report shall include a request for an on-site Probable Cause Hearing. The response is forwarded to the Compact Specialist. The Compact Specialist will transmit the case decision to the Compact Administrator of the receiving state.

If not included in the Violation Report, the following information must be requested:

- If there has been a new conviction or pending criminal charges;
- If the offender is available for return to Wisconsin;
- Offender's location, if the offender is incarcerated.

If Wisconsin does not intend to initiate revocation of the offender's supervision, no probable cause hearing is required. If revocation is a possible outcome, the offender is entitled to an on-site Probable Cause Hearing. All significant violations must be addressed and heard by the Magistrate at the Probable Cause Hearing.

Any waiver of a Preliminary Hearing must contain a signed admission of at least one significant violation which will be used as a basis for revocation.

The agent and supervisor will review the hearing record, and if sufficient basis for revocation has been established, shall arrange for the return of the offender to Wisconsin. The agent shall request a violation warrant from the DCC Extradition Office. The warrant and the "Offender's Application for Interstate Compact Transfer" are sent to the holding facility in the other state. Once the offender has been returned to Wisconsin, the agent shall notify the Compact Specialist who will advise the Compact Administrator of the receiving state to close interest, via the Notice of Arrival, with a copy to the Deputy Compact Administrator.

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.04 VIOLATION AND REVOCATION (continued)

If the hearing record does not establish by a preponderance of the evidence that the offender committed the violation, the receiving state should be requested to continue supervision and, if necessary, any active violation warrant should be vacated.

NEW CONVICTION. Wisconsin shall request a certified copy of the Judgment of Conviction and other materials that document the offense from the Compact Administrator of the receiving state. A Judgment of Conviction for a felony offense is conclusive proof that the offender may be retaken without further proceedings.

NOT AVAILABLE OR INCARCERATED. The DCC Extradition Office and Deputy Compact Administrator will arrange for the offender's return to Wisconsin when the offender becomes available.

.05 ARRANGEMENTS FOR TRANSFER TO A THIRD-PARTY STATE

An offender under supervision in another state may request transfer to a third state. In these cases, Wisconsin is responsible for forwarding the request to the third state. Wisconsin may request the current supervising state to have the offender complete and sign all required documents and forward to the Wisconsin agent through the Wisconsin Compact Administrator and Compact Specialist.

If approved by the Wisconsin agent and supervisor, the transfer request (see 12.02.02) will be forwarded to the Compact Specialist for processing through the Compact. Unless reporting instructions have been issued by the third state (see 12.02.02), the offender must remain in the current supervising state until the third-party state issues reporting instructions or formally accepts supervision under the Compact.

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.05 ARRANGEMENTS FOR TRANSFER TO A THIRD-PARTY STATE (continued)

ACCEPTANCE BY THIRD-PARTY STATE: Upon receipt of formal acceptance in the third-party state, the agent will submit an ICAOS Compact Action Request, through the Regional Compact Specialist, directing the current supervising state to allow the offender to proceed to the third-party state with reporting instructions. The current supervising state shall issue a travel permit to the offender, send a departure notice to the third-party state, and send a Case Closure Notice to Wisconsin. When the offender reports as instructed, the third-party state shall send an arrival notice through the Wisconsin Compact Administrator's Office.

DISAPPROVAL OR REJECTION BY THIRD-PARTY STATE: If the agent and supervisor disapprove the transfer to a third-party state, or the third-party state rejects supervision, the agent will submit an ICAOS Compact Action Request to the Regional Compact Specialist, advising that the transfer plan is disapproved and continued supervision in the current supervising state is required. The Regional Compact Specialist will forward the Compact Action Request to the Compact Administrator in the current supervising state.

If the offender has been allowed to travel to the third-party state, the offender must be ordered to return to the current supervising state or to Wisconsin for supervision.

.06 PROGRESS REPORTS

Progress Reports are due from the receiving state annually. If the receiving state has not sent a Progress Report within 60 days after the anniversary date of the interstate compact case transfer, the agent shall submit an ICAOS Compact Action Request to the receiving state, through the Compact Specialist, requesting that a Progress Report be submitted. If no Progress Report has been received by the next 60-day reminder, the agent shall send a second Compact Action Request in an e-mail message to the Compact Specialist, requesting assistance. A copy shall be sent to the ledgerkeeper, who will set a 12-month work due date for the next Progress Report. Compact Specialist will continue to follow on the request for the overdue Progress Report.

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.07 DISCHARGE

Discharge certificates for Wisconsin cases being supervised out-of-state are forwarded by CRU to the Compact Office in DCC Central Office.

The Compact Office will update the IC database and forward the offender's copy of the absolute discharge certificate to the Wisconsin agent, through the Compact Specialist, with instructions to forward it to the offender.

When an offender has multiple cases, discharge certificates from single judgments only will be forwarded to the Wisconsin agent of record. The agent will retain all such discharges until an absolute discharge is issued and then mail all discharges to the offender.

The receiving state will cease supervision of Wisconsin offenders on the Wisconsin discharge date indicated at the time of application for transfer unless advised otherwise in advance by the Wisconsin agent or Compact Office. Agents must advise the receiving state of any changes to scheduled discharge due to extension or additional new or consecutive cases.

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.01 POLICY

Acceptance or rejection of a request for transfer of an offender from a sending state to Wisconsin will be based on the criteria for Eligibility for Supervision (See 12.01.04).

Compact rules require acceptance if the offender is on supervision for a felony or an eligible misdemeanor, has a valid plan of supervision in Wisconsin, has more than 90 days remaining on supervision, and is either a resident or has both "resident family" and employment (or means of support) in Wisconsin. A supervision plan is valid if it would be acceptable for an offender convicted in Wisconsin. The offender's previous supervision failures, failure to participate in treatment prior to transfer, pending charges, outstanding warrants, or threat to the community are not valid reasons for rejecting the offender's supervision.

Subject to all other applicable criteria, Wisconsin will accept for supervision an offender from another state, without legal conviction, if the offender has entered a plea and a court has made some finding that the offender has committed a criminal offense.

Offenders from other states are subject to the same requirements as Wisconsin applies to its own offenders, except for collection of court obligations. Obligations are not collected by the Wisconsin agent for disbursement to the sending state. The offender will be responsible for the payment of his court obligations in a manner agreed upon between the sending state and the offender. If notified by the receiving state that the offender is not making required payments, the Wisconsin agent will notify the offender that he or she is in violation and provide the address where payments are to be sent. Wisconsin agents must also enforce compliance with the rules and conditions established by the sending state or advise the sending state that enforcement is not possible.

An offender from another state, who has requested transfer under the Compact and is in Wisconsin with reporting instructions prior to formal acceptance, shall be supervised during the investigation. The offender shall be required to sign rules. Enforcement actions may be initiated if the offender violates supervision, including custody and search of residence.

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.02 TRANSFER REQUEST TO WISCONSIN

If the transfer request is rejected, the sending state must order the offender back within 15 calendar days of receiving the reply. Supervision responsibility reverts to the sending state upon the date the offender is due in that state or issuance of a warrant in the sending state.

Forms Required

DOC-10, Rules of Community Supervision
DOC-2110, Sex Offender Residence Assessment
Reply to Transfer Request (ICAOS)
Notice of Arrival (ICAOS)

Offender in Wisconsin (with reporting instructions) prior to investigation: Wisconsin assumes responsibility for supervision when an offender, who has received reporting instructions, reports in Wisconsin as directed. The Compact Specialist will instruct the offender to report to an agent or office. The assigned agent shall have the offender sign the DOC-10 immediately, even if the transfer request has not yet been received. The agent shall forward a Notice of Arrival through the Compact Specialist as soon as the offender has reported in person.

Issuance of reporting instructions does not guarantee that a case transfer will be accepted. Once the transfer request is received, the agent shall proceed with the investigation as described in the Transfer Process table, Operation Number 4.

Sex Offender Requesting Reporting Instructions:

When a state requests reporting instructions for a "Sex Offender," who has been placed on probation and who was already living in Wisconsin, an agent will be assigned to investigate the proposed residence before reporting instructions are issued. The agent shall determine if the proposed residence is acceptable under applicable laws or DOC policy. If approved, the agent will complete the reporting instructions information in the "Results" section of the ICAOS Request for Reporting Instructions form and return the form to the Compact Specialist. If the residence is not approved, the agent shall indicate the specific reason(s) why the residence is not acceptable. The response shall include a specific statement that the residence would not be allowed for an offender convicted in Wisconsin.

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.02 TRANSFER REQUEST TO WISCONSIN (continued)

The Compact Specialist will review and approve the agent's decision and reasons. The Compact Specialist will forward the reporting instructions or denial directly to the Sending State, with a copy to IC Central Office, by the date due.

If the agent's investigation is not completed by the date due, the Compact Specialist shall notify the Compact Administrator or Deputy Compact Administrator. Reporting instructions will be issued by the Compact Administrator or designee.

TRANSFER PROCESS

<u>Function</u>	<u>Operation Number</u>	<u>Instructions</u>
DCC Compact Office	1.	Receive transfer request from sending state, check that the necessary forms and information are provided, and forward materials to Compact Specialist.
Compact Specialist	2.	Route the transfer request to the appropriate unit office for assignment.
Supervisor	3.	Assign the investigation to an agent for completion within 30 calendar days.
Agent	4.	Complete investigation using criteria in 12.01.04. Discuss investigation with supervisor and recommend rejection or acceptance of the transfer. a. If transfer is accepted, go to next operation. b. If transfer is rejected, go to Operation No. 9.
	5.	Communicate case acceptance via Reply to Transfer Request to the Compact Specialist with a copy to the Ledgerkeeper. Include reporting instructions for offenders not yet in Wisconsin. If offender is already in Wisconsin, indicate that, with the date of arrival, on the Reply. Include assigned agent's name and area number under "Supervising Officer."

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.02 TRANSFER REQUEST TO WISCONSIN (continued)

- Compact Specialist 6. Approve and forward Reply to Transfer Request to the Compact Administrator of the sending state. Route copy to the agent and the DCC Interstate Compact Office.
- Agent 7. Advise Compact Specialist when offender has arrived and reported as instructed, via Notice of Arrival, with a copy to the Ledgerkeeper.
- Compact Specialist 8. Forward the Notice of Arrival to the Compact Administrator of the sending state.

Send copy of Notice of Arrival to the DCC Compact Office. This will notify Central Records Unit to assign a Wisconsin DOC number to the offender.

OR

- Agent 9. Route Reply to Transfer Request to Compact Specialist with a copy to Ledgerkeeper. Return transfer packet materials to Compact Specialist.
- Compact Specialist 10. Review rejection for compliance with Compact rules. If approved, sign Reply to Transfer Request and forward to sending state. Forward copy of approved Reply to Transfer Request indicating rejection to agent and DCC Interstate Compact Office. Retain file materials for sixty days.

.03 ANNUAL PROGRESS REPORTS

Wisconsin agents shall provide progress reports to the sending state annually or, for good cause, upon request from the sending state.

Progress reports will be submitted on the ICAOS Progress Report form. Information in the progress report will include current residence, employment/school, adjustment to supervision, programs of treatment attempted and completed by the offender, sanctions imposed since the previous report, and any specific information requested by the sending state which is available to the agent.

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.04 VIOLATIONS

INVESTIGATION AND RECOMMENDATION: Violations will be investigated and case decisions made according to section 08.01.02. If a crime or significant violation has been committed, the agent will forward a copy of the ICAOS Offender Violation Report to the Compact Specialist, describing the violation and recommending an action by the sending state.

The Violation Report shall include relevant supporting documentation, including but not limited to:

- Police reports
- Toxicology reports
- Witness statements
- Offender's statements
- Preliminary hearing findings

If the violation would result in revocation or a formal Alternative to Revocation for an offender convicted in Wisconsin, it should be identified as a "Significant Violation" and the recommendation should be to request a warrant or order the offender to return to the sending state.

If a violation warrant is the recommendation, the agent must advise whether charges are pending in Wisconsin and whether or not the offender is available to the other state. If the violation(s) include a new felony conviction or a third significant violation, Wisconsin may demand that the sending state retake or order the offender to return to that state upon completion of any term of incarceration.

The Compact Specialist will send the Offender Violation Report, by FAX or e-mail, to the Compact Administrator of the sending state. The Compact Specialist shall request that they advise Wisconsin within ten (10) working days of their intended disposition. If no reply from the sending state is received within ten (10) working days, the Compact Specialist may make inquiry to the Compact Administrator's Office of the receiving state via ICAOS Compact Action Request by fax or e-mail with a copy to the Wisconsin Deputy Compact Administrator. If the receiving state has not responded within five (5) working days of the follow-up request, the Compact Specialist shall request the Deputy Compact Administrator to contact the Compact Administrator's office in the sending state to request assistance in obtaining a disposition.

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.04 VIOLATIONS (continued)

Custody of an offender under supervision for another state is subject to the procedures for extending detention in section 07.01.08. The agent, supervisor, and regional chief must consider whether or not the offender should continue in custody pending a response from the sending state. If the time for a sending state's reply has passed and the offender is still in custody, a Probable Cause Hearing should be held or the Order to Detain canceled. If custody is continued, the Administrator's extension must be obtained, even if a Probable Cause Hearing has taken place. If the Order to Detain is canceled, the Wisconsin agent shall resume supervision.

ON-SITE PROBABLE CAUSE HEARING: If an on-site Probable Cause Hearing is necessary, the hearing will be scheduled pursuant to Chapter 10.02.05. The agent will notify the offender of the hearing through the Notice of Preliminary Hearing ([DOC-415](#)). The offender must be afforded the opportunity to confront witnesses against them and present evidence and witnesses in their defense. A Probable Cause determination must be made by the Hearing Magistrate on each allegation. The Magistrate will not make a custody decision.

A probable cause hearing is not required if the basis for retaking is a new felony and offender has been convicted of the new felony offense. A copy of the judgment of conviction is conclusive proof that the offender may be retaken without further proceedings.

The offender may not waive the Probable Cause Hearing unless the waiver is accompanied by a signed admission to one or more significant violations.

Within 10 work days of the hearing, the Magistrate shall prepare a letter of decision that identifies the time, date, and location of the hearing, lists the parties present at the hearing, and includes a clear and concise summary of the testimony taken and the evidence relied upon in rendering a decision. The letter of decision and any reports or exhibits, or the signed waiver and admission, will be forwarded to the Compact Specialist who will immediately send them to the sending state, requesting that state to forward its warrant and detainer.

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.04 VIOLATIONS (continued)

The agent will cancel the Order to Detain upon verification that the other state's detainer has been received at the holding facility. Wisconsin will not close interest in a case while the sending state is in the process of retaking the offender. Once the sending state has taken custody of the offender, the Wisconsin agent shall submit a Case Closure Notice to the Compact Specialist and the Ledgerkeeper. The Compact Specialist will forward the Case Closure to the sending state, with a copy to the DCC Interstate Compact Office.

ALTERNATIVES TO REVOCATION: Compact rules require that offenders from other states be supervised in a manner consistent with supervision of similar offenders convicted in Wisconsin. Consequently, offenders supervised under the interstate compact are eligible to participate in programs available to other offenders, including DAI-ATR programs.

If an ATR is appropriate and the offender agrees to participate in the program, the agent should clearly advise the sending state that the violation(s) are "significant" and retaking is requested, but a program is available as an alternative to revocation, if requested by the sending state. Both the offender and the sending state should be aware that failure to complete the ATR program will be considered another significant violation and will result in a new recommendation that the sending state retake the offender.

CONTINUED SUPERVISION: If the violation is not a new felony conviction or third significant violation, and the sending state requests continued supervision, the agent will resume supervision. The agent may modify the rules of supervision, if appropriate. The sending state should be notified of any new special conditions or rules.

.05 ABSCONDING

An offender who is absent from his or her approved residence or place of employment, for the purpose of avoiding supervision, may be an absconder. The agent shall attempt to locate the offender. After attempts to locate the offender have failed, an Apprehension Request (DOC-58) shall be issued. The agent must check NO in the Extradite section of the DOC-58. Under no circumstances will the Apprehension Request be entered in NCIC. When the offender is apprehended, follow the procedures in 12.04.04.

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.05 ABSCONDING (continued)

After thirty (30) days, if the offender's whereabouts are still unknown, the Apprehension Request must be canceled. An ICAOS Offender Violation Report is prepared by the Wisconsin agent and forwarded to the Compact Specialist and the Ledgerkeeper with an ICAOS Case Closure Notice. The Offender Violation Report must include facts regarding the absconding, efforts to locate the offender, the person's last known address, and the date of last face-to-face contact with the offender. The Compact Specialist approves the Case Closure decision and forwards the notice and Offender Violation Report to the sending state and the DCC Interstate Compact Office.

Occasionally, an offender who has absconded is subsequently arrested in Wisconsin on the sending state's warrant. In those cases, and upon the request of the sending state, Wisconsin will conduct a probable cause hearing on the violations, unless waived by the offender. (See 12.04.04)

.06 WAIVER OF EXTRADITION

An offender must waive all rights to extradition proceedings at the time of application for transfer under the Interstate Compact. By Compact rule, an offender pending retaking is not eligible to be released on bail. An offender being retaken by a sending state must be released to duly authorized agents of the sending state without extradition.

.07 OUT OF STATE TRAVEL

Offenders from other states may be granted permission by the Wisconsin agent to make temporary visits out of state in the same manner as Wisconsin cases. If the sending state has identified the case as "Victim Sensitive," the agent shall notify the sending state when a travel permit is issued.

.08 RETURN TO SENDING STATE

An offender under supervision for another state may request to return to that state. Prior to allowing an offender to move back to the sending state, the Wisconsin agent must submit a Request for Reporting Instructions to the Compact Specialist, indicating the offender is a "transferred offender returning to sending state." The request will provide the offender's destination in the sending state, including address and phone number. The Compact Specialist shall forward the request to the sending state.

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.08 RETURN TO SENDING STATE (continued)

The sending state must provide reporting instructions within two business days of receiving the request. The offender may not be allowed to leave Wisconsin prior to receiving reporting instructions.

Upon receipt of reporting instructions, the agent will provide the offender with the reporting instructions and a Travel Permit and forward a Case Closure Notice and Notice of Departure to the Compact Specialist with a copy to the Ledgerkeeper. The Compact Specialist will forward notices to the sending state and to the Interstate Compact Office.

.09 ARRANGEMENTS FOR TRANSFER TO A THIRD STATE

An offender being supervised for another state may request a transfer to a third state. The Wisconsin agent will submit a Progress Report and a Compact Action Request to the Compact Specialist, who will notify the sending state of the offender's request. Responsibility for arranging transfer to the third state rests with the original sending state. If requested, the Wisconsin agent will assist the sending state in obtaining the offender's signature on the ICAOS "Offender's Application for Interstate Transfer" and completing any other required transfer forms. The offender must remain in Wisconsin until the sending state advises that the transfer has been accepted in the third state or provides reporting instructions.

Upon notice of acceptance in the third state, the Wisconsin agent will advise the offender of the reporting instructions, issue a Travel Permit, and forward a Notice of Departure and Case Closure to the Compact Specialist and Ledgerkeeper. The Compact Specialist will forward the Notice of Departure to the sending state and the third state. The Compact Specialist will also forward the Case Closure Notice to the sending state, with a copy to the DCC Interstate Compact office.

If the sending state advises that the transfer request is not approved by either the sending state or the third state, supervision will continue in Wisconsin. If the offender has been permitted to travel to the third state with reporting instructions, the offender shall be ordered to return to Wisconsin and supervision will continue.

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.09 ARRANGEMENTS FOR TRANSFER TO A THIRD STATE (continued)

If the offender fails to return as directed, the agent will submit a Violation Report and a Case Closure Notice to the Compact Specialist and Ledgerkeeper. The Compact Specialist will forward the report and notice to the sending state, with a copy to the DCC Interstate Compact office.

.10 EARLY DISCHARGE

Early discharge from supervision can only be granted by the sending state. When an agent feels that a case merits such consideration, a Compact Action Request and Progress Report are prepared justifying the recommendation, approved by the supervisor, and forwarded to the Compact Specialist, who sends it to the Compact Administrator in the sending state. If the sending state will not issue an early discharge, supervision must be continued by the Wisconsin agent.

.11 DEATH OF OFFENDER

In the event of a Compact offender's death, the Wisconsin agent will obtain verification using sources identified in Chapter 06.36. A death certificate is not required. A Case Closure Notice with death verification shall be forwarded to the Compact Specialist with a copy to the Ledgerkeeper. The Compact Specialist will forward the Case Closure Notice to the sending state and the DCC Interstate Compact Office.

.12 CASE TERMINATION

The DCC Interstate Compact Office, upon receipt of a Case Closure Notice, notifies the Central Records Unit to issue a termination number.

Supervision will cease and a Case Closure Notice shall be prepared upon:

- the date of discharge, unless informed of an earlier or later date by the sending state;
- notification to the sending state that the offender has absconded;
- notification to the sending state that the offender has been sentenced to incarceration for more than 180 days;
- notification of death; or
- return to sending state.